

## NOTICE OF INTENT TO ESTABLISH NEGOTIATED RULEMAKING COMMITTEE

Pursuant to Neb. Rev. Stat. Section 84-926 (Reissue 1999) and Title 261 of the Nebraska Administrative Code, the Department of Natural Resources (“Department”) hereby provides notice that the Department intends to establish a negotiated rulemaking committee to negotiate and develop a proposed rule or rules.

1. Subject and Scope. The proposed negotiated rulemaking committee will be formed to prepare a report and/or proposed rule(s) relating to the evaluations and reports that the Department must complete, pursuant to Section 46-713 (Section 53, LB962, 2004 Nebraska Legislature) by January 1 of each year beginning in 2006. The report and/or rule(s) produced by the committee will relate specifically to the types of scientific data and other information that will be considered and the criteria that will be used by the Department for making the preliminary determinations of: (1) whether a river basin, subbasin, or reach is fully appropriated without the initiation of additional uses, and (2) the geographic area within which the Department considers surface water and ground water to be hydrologically connected for the purposes of any such determination.

2. Interests Likely to Be Significantly Affected. The rule(s) that will be the subject of the negotiated rulemaking committee is/are likely to significantly affect the following interests: surface water users, ground water users, natural resources districts, irrigation districts, reclamation districts, public power and irrigation districts, mutual irrigation companies, canal companies, and municipalities.

3. Proposed Representatives and Nomination of Other Persons As Members. The following persons have proposed to take part in any negotiated rulemaking committee that may be formed: Nebraska Groundwater Management Coalition; Nebraska Association of Resources Districts; and League of Nebraska Municipalities. The Department proposes that its Legal Counsel will represent the interests of the Department on any negotiated rulemaking committee that may be formed.. Other persons or entities may apply for membership, or may nominate

others for membership on the proposed negotiated rulemaking committee by submitting an application or nomination on a form provided by the Department. Such application or nomination must be submitted to and received by the Department by November 25, 2004. The form of application and form of nomination are available on the Department's website at <http://www.dnr.state.ne.us>.

4. Proposed Schedule. Any negotiated rulemaking committee that may be formed must complete its work by March 1, 2005, in order to enable the Department to meet its schedule of evaluations and reports in compliance with Neb. Rev. Stat. Section 46-713 (Section 53, LB 962, 2004 Nebraska Legislature). It is anticipated that the initial meeting of any negotiated rulemaking committee that may be formed will be scheduled during the week of December 6-10, 2004.

5. Comments On Formation of the Proposed Committee      Persons or entities also are invited to submit comments upon the formation of the proposed negotiated rulemaking committee. All such comments must be received by the Department by November 25, 2004.

The Department's address is 301 Centennial Mall South, 4<sup>th</sup> Floor, State Office Building, Lincoln, NE, and its telephone number is (402) 471-2363.